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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Initial reports of States Parties due in 1992

Addendum

ROMANIA

[14 February 1992]

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Introduction

1. Romania acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 9 October 1990 through the adoption of Act No. 19/1990. The instruments of accession were deposited on 18 December 1990 and the Convention entered into force for the State of Romania on 17 January 1991.

2. This report, which deals mainly with the period between 17 January 1991 and 31 December 1991, is submitted in accordance with article 19 of the Convention. Part I describes the place of the Convention in the context of the new Romanian constitutional system; Part II outlines the measures put into force to give effect to the provisions of the Convention.

I. GENERAL INFORMATION

3. As part of the democratic process set in train in Romania by the revolution of December 1989, the authorities adopted the measures necessary to guarantee everyone adequate protection against torture and other cruel, inhuman or degrading treatment or punishment. Article 1 of the Romanian Constitution that came into force on 8 December 1991 as the result of a popular referendum states that Romania is a democratic and social State, under the rule of law, in which the dignity of the human being, the rights and liberties of the citizens, the free development of the human personality, justice and political pluralism represent supreme values that are guaranteed. Under the terms of the Constitution Romania's Parliament, which comprises the Chamber of Deputies and the Senate, is the sole legislative authority of the country.

4. The Romanian Constitution contains, inter alia, the following provisions that govern the relationship between domestic law and public international law:

(a) "Treaties ratified by Parliament in accordance with the law shall form part of domestic law" (art. 11, para. 2);

(b) "The provisions of the Constitution that relate to the rights and freedoms of the citizens shall be interpreted and applied in accordance with the Universal Declaration of Human Rights and with the Covenants and other treaties to which Romania is Party" (art. 20, para. 1);

(c) "If there are discrepancies between the provisions of the conventions and treaties on fundamental human rights to which Romania is party and domestic laws, the international regulations shall have primacy" (art. 20, para. 2).

It will thus be seen that the primacy of international law over domestic law, at least so far as concerns the provisions on human rights, in case of conflict between the two categories of legal provisins mentioned, is explicitly stated.

5. In Romania up to 1991, the legislative background in this respect comprised the International Covenant on Civil and Political Rights ratified in 1974, which stipulated, inter alia, that:

> "No one shall be subjected to torture or to cruel, inhuman or degrading treatment of punishment."

6. At the same time as the law on accession to the Convention, a new Act (20/1990) was adopted that introduced a new offence, that of torture, into the Romanian Penal Code. Important changes were made in the Code of Penal Procedure. Thus Act No. 32 of 16 November 1990, provided supplementary guarantees of personal liberty, respect for human dignity and the right to a defence. Article 5 of the Code of Penal Procedure stipulates:

> "Anyone in the process of criminal proceedings or judgement shall be treated with the respect due to human dignity. Any act of torture or cruel, inhuman or degrading treatment or punishment shall be punishable by law."

According to the law it is the prosecutor who is responsible for inquiring into cases of torture, while competence to try such cases lies with the departmental courts. If the prosecutor is seized of such a case and institutes the necessary procedures for criminal prosecution, he must produce the evidence needed to establish the truth. The judges are subject to the same obligations and must come to a decision on the matter under dispute with the impartiality that is the hallmark of the Judicial Power. A person who has been tortured or subjected to other cruel, inhuman or degrading treatment or punishment shall have the right to file a claim for compensation either as part of the criminal proceedings or through civil law by means of a separate civil action. Moreover, if the victim should die, his heirs and assigns are recognized as having the same right.

7. The Constitution provides that:

> "No one may be subjected to torture or any sort of inhuman or degrading punishment or treatment" (art. 22, para. 2),

and that

> "The death penalty is forbidden" (art. 22, para. 3).

8. Right of untrammelled access to justice and the right of victims to fair compensation are guaranteed by the Constitution:

> "Any person may have recourse to justice for the defence of his rights, liberties and legitimate interests. No law can restrict the exercise of that right" (art. 21).

> "The public authorities shall be obliged to reply to petitions within the time-limits and under the conditions established by law" (art. 47, para. 4).

A person whose rights are infringed by an administrative act of the public authority may demand and obtain recognition of said right, annulment of the illegal administrative act and compensation for any injury suffered. The State shall be responsible under the conditions laid down by law for any injury caused by judicial errors in criminal cases (see art. 48 of the Constitution). The decisions of the local or departmental courts may be contested before a higher court.

9. Article 24 of Act No. 60/1968 and certain provisions of the bill on organization of the judicial system lay a certain number of obligations on the prosecutor in his relationships with persons under arrest, persons undergoing pre-trial detention or convicted persons serving their sentence. Thus he must ensure respect for the law and defend detainees against any abuse by prison or police authorities. He is responsible, inter alia, for the following tasks:

(a) Monitoring actual observance of the law as part of the implementation of decisions of the courts and the like;

(b) Ensuring observance of the law in places of pre-trial detention;

(c) Defence of the rights and interests of minors and persons under legal disqualification.

10. In regard to the police, it must be emphasized that during the past two years its members have been investigated with the support of a parliamentary commission specially established to determine which of them were unworthy of their status. Thus 5,000 persons who no longer meet the new requirements have been dismissed. In the same way, all the regulations or instructions of the Ministry of the Interior have been rescinded that were incompatible with the international legal instruments on human rights. Bills on the police and the gendarmerie also reflect the rights laid down in the International Covenant on Civil and Political Rights. Similar restructuring has also taken place in the judiciary. As a result, a certain number of prosecutors and judges have been dismissed because of their behaviour, which was not always in line with the requirements of their profession.

11. The Government has initiated the procedure for accession to the first Optional Protocol to the International Covenant on Civil and Political Rights. As a result every Romanian citizen will have the right to submit to the United Nations Human Rights Committee a communication claiming violations of the provisions of the Covenant, including its article 7 on torture.

II. INFORMATION IN RELATION TO ARTICLES IN PART I OF THE CONVENTION

Article 1

12. Although this article does not in itself require special measures on the part of States, an article 267-1 has been introduced for practical reasons into the Romanian Penal Code. This article defines torture in the same terms as the Convention. The word-for-word introduction of this definition into the Penal Code underlines once more the will of the Romanian legislature to emphasize the primacy of international law over domestic law, as an expression of its sincere attachment to its international commitments. This further reinforces the principle according to which every convention ratified by Romania will have the force of law in Romanian territory.

Article 2

13. Several provisions of the Constitution apply to the prevention of acts of torture. Everyone is granted the right of protection against any cruel treatment or punishment (art. 22, paras. 2 and 3). Furthermore, articles 22 (1) and 23 (1) guarantee everyone the right to life, to physical and psychological integrity, to individual liberty and to security of the person. No one can be arrested or detained awaiting trial except in conformity with the law and the fundamental principles of justice. Similarly, article 23 guarantees the right to protection against any arbitrary detention or arrest.

14. According to one of the principles that govern penal procedure, respect for human dignity, including a ban on torture, is obligatory during criminal proceedings and the whole course of the case (art. 5 of the Code of Penal Procedure).

15. The definition of torture, which is, moreover, the same as that in the Convention, and the penalties for the offence, are contained in article 267-1 of the Penal Code introduced under Act No. 20 of 9 October 1990:

> "Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity shall be punishable by imprisonment for two to seven years."

16. If the offence referred to in article 267-1 (1) has had any of the consequences specified in articles 181 or 182 of the Penal Code, i.e.

> "A bodily injury that necessitates medical care or brings about the loss of a sensory organ or causes physical or mental disability or disfigurement or leads to abortion",

the penalty shall be imprisonment for not less than 3 and not more than 10 years (art. 267-1 (2) of the Penal Code).

17. Torture which has resulted in the death of the victim shall be punishable with detention for life or imprisonment for not less than 10 and not more than 20 years (art. 267-1 (3)).

18. According to article 267-1 (4) attempted torture shall be punishable by applying the principle laid down in the Penal Code, with a penalty between at least half the minimum penalty and the maximum laid down for actual commission of the offence. Anyone found guilty of an act of torture is liable to a term of imprisonment of not more than 20 years or to detention for life and so anyone found guilty of having attempted to commit an act of torture shall be liable to a penalty of not more than 10 years' imprisonment.

19. As for paragraphs 2 and 3 of article 2 of the Convention, the Romanian legislature has introduced them into domestic law as follows:

> "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. An order from a superior officer or a public authority may not be invoked as a justification of torture" (art. 267, para. 5).

Thus, article 267 of the Romanian Penal Code refers to the same situations as those envisaged in the text of the Convention.

Article 3

20. To give effect to all the provisions of the Convention, a further paragraph has been added to article 117 of the Penal Code which concerns expulsion of a foreigner or a stateless person not permanently resident in Romania if he has committed an offence covered by Romanian law:

> "The persons referred to in this article shall not be expelled if there are serious reasons for believing that they risk being subjected to torture in the State to which they are to be expelled."

21. According to paragraph 3 of article 19 of the Constitution, expulsion and extradition are within the competence of the judicial authorities, who, according to article 20 of the Constitution mentioned above, will be obliged to take into account the primacy of international human rights conventions, "including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights", to which article 3 of the Convention makes reference.

22. In the same way, it may be pointed out that Act No. 4/1971, regulating the problem of extradition, mentions in its article 2 that:

> "The provisions of this Act shall be applicable to the extent that international conventions do not provide otherwise or on the basis of reciprocity."

With the entry into force of the new Constitution, as already stressed, the primacy of the provisions of the law as laid down in international conventions is once more made evident.

Article 4

23. In regard to the obligations arising from this article of the Convention, mention has already been made of the definition of the offence of torture given in article 267-1 of the Penal Code. Since Act No. 20/1990 makes no reference to facts amounting to complicity or participation in the offence of torture, the general provisions of title I, chapter III, of the Penal Code entitled "Participation" will be applicable, as described below.

24. After defining the participants in an offence as persons who have contributed to committing an act covered by criminal law as its authors, instigators or accomplices (art. 23 of the Penal Code), the Code defines in detail every possible form of participation in an offence:

> "An instigator is a person who deliberately causes another person to commit an offence under criminal law" (art. 25 of the Penal Code).
>
> "An accomplice is a person who deliberately facilitates or helps in any way the commission of an offence under criminal law. A person is also an accomplice who makes promises (before or during the period when the offence is committed) to grant a favour to the author of the offence even if said promise is not kept."

25. The penalties envisaged by the Penal Code depend on the seriousness of the offence and of its consequences. For an offence of torture which has not resulted in impairment of physical or mental integrity, the penalty laid down is imprisonment for between two and seven years (art. 267-1 (1) of the Penal Code). If the torture has resulted in bodily lesions that require medical care, or in the loss of one of the senses or of an organ, or in physical or mental invalidity, or in disfigurement or abortion, the penalty shall be between 3 and 10 years' imprisonment (art. 267-1 (2) of the Penal Code). If the torture has resulted in the death of the victim the penalty shall be imprisonment for life or imprisonment for between 10 and 20 years (art. 267-1 (3) of the Penal Code). Attempted torture is also punishable (see art. 21 of the Penal Code). Instigators of and accomplices in acts of torture are also punished with a penalty similar to that laid down for the person committing the offence (art. 27 of the Penal Code).

26. Similarly, Act No. 20/1990 stipulates that in cases of the offence of torture the criminal proceedings will be conducted by the departmental prosecutor. This indicates once more the importance, by reason of the matter involved, attached by the Romanian legislature to prosecution for the offence of torture.

27. When the offence of torture is committed on board a ship or aircraft registered in Romania, competence in the matter lies with the departmental court in which the first port of call of the ship or the first place of landing of the aircraft is situated (art. 31 of the Penal Code). If the ship or aircraft is not travelling to a Romanian port or airport, Bucharest Municipal Court will have jurisdiction.

28. According to the provisions of domestic law on the application of the Penal Code, its provisions are applicable to offences committed outside Romanian territory provided that the offender is a Romanian citizen or is stateless but permanently resident in Romania (art. 4 of the Penal Code). Naturally that also applies to the offence of torture, in the absence of any special regulations.

29. Romanian criminal law applies also to offences committed outside the country by a foreign citizen or a stateless person not permanently resident in Romania in cases where the offence threatens the life or results in serious impairment of the physical integrity or health of a Romanian citizen (art. 5 (1) of the Penal Code).

30. The provisions described above are applicable to every situation in which torture is committed outside Romanian territory by a foreigner or a stateless person if it has resulted in: the death of the victim, a Romanian citizen; or a serious impairment of the physical integrity or health of a Romanian citizen.

31. In other cases where torture committed outside Romanian territory by a foreigner or stateless person not residing permanently in Romania has led to the death of a Romanian citizen or has caused severe pain or suffering or bodily lesions "that necessitate medical care for as long as 60 days" (art. 267-1(2) of the Penal Code) Romanian law shall be applicable if:

(a) the act is also considered an offence under criminal law in the country where it was committed;

(b) the offender is in Romania (Penal Code, art. 6).

32. It must be pointed out that the provisions of article 5 and article 6 of the Penal Code are applicable only where an international convention does not provide otherwise as would be the case if there were an extradition agreement.

Article 6

33. The measures that could be taken under paragraph 1 of this article are possible only when serious evidence or indications of the commission of such an offence exist. Serious indications exist when the information in the case records suggests that the person under investigation has committed the offence in respect of which penal proceedings are to be initiated (art. 143 of the Code of Penal Procedure).

34. The first measure to be taken is to detain the suspect for up to 24 hours (art. 144 of the Code of Penal Procedure). Another measure is to prohibit the person suspected of an offence from leaving the locality in which he lives without the consent of the competent authority that has ordered the measure (art. 145 (1) of the Code of Penal Procedure). It must be emphasized that retention in police custody is a police measure, whereas prohibition from leaving the locality of usual residence is a measure that falls within the competence of the prosecutor and must not be prolonged for more than 30 days during the criminal proceedings.

35. If the prosecutor is convinced that detention of the person concerned is necessary, he can order an arrest by issuing a warrant specifying the grounds. Pre-trial arrest is legal only under the conditions laid down by article 148 of the Code of Penal Procedure. Among those conditions may be mentioned those to be found in subparagraph (h) of that article, i.e. the law must lay down a penalty of over two years' imprisonment for the offence in question and the fact of leaving the suspect at liberty must constitute a danger for public order.

36. If he abides by the provisions of the law, a prosecutor may order the pre-trial detention of the suspect. This detention may last up to 30 days and may be extended on a single occasion but by not more than 30 days (art. 155 of the Code of Penal Procedure). Any further extension of pre-trial detention can be granted only by the courts responsible for trying the offence in question.

37. According to article 136 (4) of the Code of Penal Procedure, the prosecutor must inform a member of the family of the arrested person, or another person indicated by the accused, within 24 hours of the measure depriving him of liberty. In view of these provisions it may therefore be said that the requirements of paragraph 3 of article 6 are met. If the person in custody wishes to inform the diplomatic mission of his country in Romania, the prosecutor must also take steps to send said information to the mission within the same time limits.

38. In the same way, Romania takes every possible step to ensure that the States concerned, as mentioned in paragraph 1 of article 5 of the Convention, are properly informed. Mention should be made of the text of article 11 (1) of the Constitution according to which

> "The Romanian State undertakes to fulfil in good faith the obligations incumbent upon it under the terms of treaties to which it is party".

39. The Romanian State has jurisdiction to prosecute a person accused of an offence of torture under all the circumstances envisaged in article 5 of the Convention. According to Romanian criminal law

> "the standards of evidence are the same for all offences, whether they are committed on Romanian territory or abroad".

Hence in the case of a Romanian citizen abroad the judgement against a person who has committed the crime of torture will be arrived at under the same conditions laid down by law. In the same way the guarantees provided by Romanian law will also be applicable in the case of any of the offences referred to in article 4 of the Convention. Furthermore, the provisions of the Constitution that guarantee human rights are applicable to anyone subjected to criminal proceedings in Romania.

Article 8

40. Firstly, it must be made clear that since ratifying the Convention Romania has not signed any extradition agreements. As for such agreements signed before, the offence of torture was not mentioned in them since it was not characterized as an offence. The Romanian State does not make extradition contingent on the existence of a bilateral treaty. Extradition may be granted or requested on the basis of an international convention or of reciprocity or, in the absence of reciprocity, on the basis of the law (art. 9 of the Penal Code). It will therefore be seen that the wording and content of the text in the Penal Code are in accordance with the provisions of paragraph 2 of article 8 of the Convention. If the provisions of the Constitution are also borne in mind that guarantee the primacy of international law as embodied in conventions over domestic law, the solution is still clearer.

Article 9

41. The extradition treaties concluded by Romania make provision for various degrees of mutual judicial assistance between the States Parties. The obligations assumed by the Romanian State will be carried out in accordance with the provisions of article 9 of the Convention, inasmuch as, under the Constitution, to give effect to those provisions, similar provisions in domestic law are not necessary. Consequently, under the Convention against Torture, the Romanian State will grant other States Parties the necessary assistance in applying article 4 of the Convention, including supply of the evidence at its disposal.

Article 10

42. After Romania's accession to the Convention, its provisions were introduced into the curricula of faculties of law and higher institutes of the army and the police. For example, at the "Alexandru Ioan Cuza" Police Academy, a book for members of the police has been published under the title of "Man and his rights". Among the chapters in this book, attention may be drawn to the judicial protection of human rights in prisons, the protection of human rights in the judicial systems and public administration, etc. In 1991, ministries and institutions acting in the domain of human rights established specialized sections or services, among which may be mentioned the Human Rights Committee in the Ministry of the Interior, which last year organized two courses of police training that also covered application of the Convention against Torture. The programme for recruiting police and prison personnel and further training courses on the duties and obligations of members of the gendarmerie deal with the prohibition of torture and similar acts and contain instructions on how to determine an appropriate degree of force.

43. It must be mentioned also that the United Nations programme of advisory and technical assistance in the field of human rights for Romania comprises numerous training schemes and further training courses for prosecutors, judges, members of the police and prison personnel, whose activities have human rights implications. These courses will take place in 1992 and the first half of 1993.

Article 11

44. The legal provisions mentioned above and all the other implementing regulations make it possible to monitor during the whole of an investigation observance of the law in respect of interrogation practices in regard to the treatment of detainees.

45. The Code of Penal Procedure provides that

> "the prosecutor shall supervise acts in criminal proceedings" (art. 209);
>
> "The prosecutor shall ensure that criminal proceedings are carried out in conformity with the provisions of the law" (art. 218).

Periodic analyses of observance of legal provisions by establishments are carried out by the prison administration or by the procurator's office.

Article 12

46. The body responsible for criminal proceedings is ex officio responsible for following up a complaint or investigation once it takes cognizance of the commission of an offence (art. 221 of the Code of Penal Procedure). A complaint or request may be in written form or not. If it is not in writing, the body that received the request must draw up a report. One of the guarantees that criminal proceedings will be promptly pursued is the legal possibility offered to the authors of complaints and victims complaining to the chief prosecutor of the undue slowness of the investigation.

Article 13

47. A special chapter of the Code of Penal Procedure is entitled "Complaints against measures or acts in criminal proceedings". According to article 274,

> "Anyone has the right to complain of measures and acts in the criminal proceedings when his legitimate interests are injured". "Complaints shall be addressed to the prosecutor in charge of the criminal investigation" (art. 274). "The prosecutor shall be obliged to deal with the complaint within 20 days and communicate his conclusions immediately" (art. 277).

There is also a procedure for complaints by detainees. Moreover, the prosecutor has the responsibility and the means to act against any abuses of authority by the personnel of the prison administration.

48. Unfortunately, the legislation in force does not provide for any special measures to ensure the protection of complainants or witnesses against all ill-treatment or intimidation as a result of their complaint or any evidence given. Such protection is ensured as for any other detainees. As to what is desirable, a proposal has been mooted to introduce measures similar to those in the bill concerning the conditions under which sentences are served, which advocates the appointment of judges to monitor those conditions. Protection of complainants and witnesses will thus be ensured naturally in Romania as part of the general responsibility of the State to protect its citizens.

Article 14

49. Guarantee of the right of the victim of an act of torture to obtain redress and receive fair and adequate compensation is ensured by the provisions of the Code of Penal Procedure. When considering their verdict, judges are obliged to give a ruling on the injury resulting from the offence (art. 343). The operative part of the judgement must contain a decision on compensation for such injury (art. 343). Consequently, the law enables compensation to be granted to those who have suffered physical or mental impairment and offers every possible means of obtaining full redress for the injury sustained.

50. If a victim dies as a result of an act of torture, his heirs and assigns will also be entitled to compensation and the law makes it obligatory for judges to bring into the case, ex officio or at the request of the persons concerned, the deceased person's heirs (art. 21 of the Code of Penal Procedure).

51. It should be emphasized that the object of civil proceedings is to establish the civil liability of the accused. A criminal indemnification action can therefore be brought in the civil courts concurrently with the criminal action (art. 14 of the Code of Penal Procedure). However, there is a question also of providing the evidence necessary to determine the extent of the injury sustained. The victim therefore has two possibilities of enforcing his civil rights, either as part of the criminal proceedings, which is more expeditious method, or by bringing a separate civil action that initiates a separate set of civil proceedings.

Article 15

52. In Romania, there has long been a legal rule in regard to confessions that prohibits the admission in judicial proceedings of statements obtained by threats, fear or promises of favours or recompense, except as evidence that the statements had been obtained in that way. However, it is true that during the communist regime this rule was for a long time not applied. With the constitutional guarantees indicated above it is improbable that a similar situation could again occur.

53. The prosecutor is obliged to reach a decision within 20 days concerning a complaint or request informing him of the occurrence of an act of torture. This time limit prevents a situation arising in which the "evidence" obtained by torture might have been used against the victim of such an act.

54. Under the provisions of Act No. 32/1990, supplementary guarantees were introduced in the Code of Penal Procedure in support of the accused person (art. 6.5):

> "The judicial authorities shall be obliged to inform the accused of his right to be assisted by a defending counsel".

55. "Throughout the criminal proceedings, the defendant's counsel shall have the right to be present during the performance of any act in the proceedings and may formulate requests, file memoranda, etc." (art. 172).

56. When a complaint by the accused or his counsel or a witness is justified, the person guilty of the act complained of will himself be charged in accordance with article 267-1 of the Penal Code dealing with the offence of torture. Hence the final verdict pronounced in such a case will constitute serious grounds for judicial review of a previous verdict based on testimony obtained through the use of torture (art. 394-b-d of the Code of Penal Procedure).

Article 16

57. In respect of this article of the Convention, a number of provisions in the Romanian Penal Code make punishable the following offences:

> "Forcing a person to serve a penalty ... in any way other than that laid down by the law shall be punished by imprisonment for six months to three years" (art. 266-1 of the Code).

"The use of promises, threats or violence against a person under investigation or on trial in order to obtain statements shall be punished by imprisonment for between one year and five years" (art. 266-2).

"The same penalty shall be applied if promises, threats or violence are used against a witness, an expert or an interpreter" (art. 266-3).

Relevant provisions will also be found in articles 267, 261, 250, 358, 176, etc.

58. For the constitutional and legislative provisions prohibiting acts that constitute cruel, inhuman or degrading punishment or treatment, see paragraphs 13 to 19 above on article 2 of the Convention.

59. To give effect to the provisions of the Convention, efforts have also been made to strengthen the judicial remedies and mechanisms for protecting citizens against wrongful judicial and administrative acts. It would perhaps be valuable to quote other legal provisions here that help to make up the framework for protecting human rights. Guarantees have been established for anybody whose rights are infringed by a public authority, by an administrative act or by failure to reply to requests within the legal time limit by giving him or her the right to complain to the judicial authorities and to demand recognition of the right that has been violated, annulment of the act complained of and compensation for the injury sustained (art. 46 of the Constitution and Act No. 29 of 7 November 1990 on administrative litigation). Similarly, the Constitution has introduced the institution of Ombudsman, or people's advocate, whose job it is to defend human rights.

60. Legislative and institutional efforts have already given results in regard to eliminating the judicial errors of the past, a question which does not arise in the period covered by this report. Significant examples of judicial practices can be cited during the Committee's consideration of the report.

61. There is now a legislative and institutional framework in Romania for preventing and combating torture. However, the authorities concerned are aware that there is still much to be done if this abominable phenomenon in all its forms is to be completely eliminated from public life. If we are to succeed in that, more will have to be done to eliminate the residual traces in the mentality of the agents of public authority inherited from a dictorial regime based on contempt for the dignity of the human being and on physical and mental constraint. The Committee may rest assured that democratic Romania will achieve this objective. This hope is justified by the fact that all the responsible political forces on which the future of our country depends are profoundly attached to democratic values and believe sincerely in the virtues of a society founded on political pluralism, a State based on the rule of law and respect for human rights.